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6 Attorney for Defendant  
QUANG DOUNG TAO

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

**AMENDED ORDER**

9 UNITED STATES OF AMERICA, ) CASE NO. **2:18-cr-00390-RFB-BNW**  
10 )  
11 Plaintiff, )  
12 )  
13 vs. )  
14 )  
15 QUANG DUONG TAO, )  
16 )  
17 Defendant. )  
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16 **STIPULATION TO CONTINUE PRETRIAL MOTION DEADLINES,**  
17 **CALENDAR CALL AND TRIAL DATES (Fifth Request)**

18 IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS  
19 TRUTANICH, United States Attorney, and ALLISON REESE, Assistant United States  
20 Attorney, counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for  
21 QUANG DUONG TAO that the calendar call currently scheduled for March 17, 2020, at  
22 1:30 p.m., and the trial currently scheduled for March 23, 2020, at 9:00 a.m., be vacated and  
23 continued for at least 60 days to a date and time convenient to this Court.  
24

25 This stipulation is entered into for the following reasons:

26 1. Counsel for the defendant need additional time to conduct investigation in this case  
27 in order to determine whether there are any pre-trial issues that must be litigated and whether  
28

1 the case will ultimately go to trial or will be resolved through negotiations. Additional time  
2 is also needed to finalize negotiations with the Government and then to discuss with  
3 defendants any modification in the offers that have been extended by the Government.  
4

5 2. Defendant Quang Duong Tao is out of custody and do not object to the  
6 continuance.

7 3. The additional time requested herein is not sought for purposes of delay, but merely  
8 to allow counsel for defendant sufficient time within which to be able to effectively complete  
9 investigation of discovery materials provided and to discuss the case with defendant.  
10 Communication is not easy as defendant and his family reside out of state. Compounded by  
11 the fact that Defendant speaks Cantonese Chinese and Vietnamese as his primary languages.  
12 Thus, meetings only happen when client and his family can travel to Las Vegas to meet with  
13 counsel.  
14

15 4. The additional time requested by this stipulation is excludable in computing the  
16 timewithin which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
17 U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors  
18 under Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).  
19

20 5. This is the fourth request for a continuance filed herein.  
21

22 DATED: March 11, 2020  
23

24 NICHOLAS TRUTANICH  
25 United States Attorney

VEGAS GOLDEN LAW  
Formerly Momot & Zheng

26 By /s/ Allison Reese  
27 ALLISON REESE  
28 Assistant United States Attorney  
Counsel for Plaintiff

By /s/ Yi Lin Zheng  
YI LIN ZHENG, ESQUIRE  
Counsel for Quang Duong Tao

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3	UNITED STATES OF AMERICA,	)
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4	Plaintiff,	)
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5	vs.	)
		)
6	QUANG DUONG TAO,	)
7		)
8	Defendant.	)
		)

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

## 1 FINDINGS OF FACT

2                   Based upon the pending Stipulation of counsel and good cause appearing, the Court  
3                   finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations. Additional time is also needed to finalize negotiations with the Government and then to discuss with defendant any modification in the offers that have been extended by the Government.

2. Defendant Quang Duong Tao is out of custody and do not object to the  
continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials provided and to discuss the case with defendant.

1 Communication is not easy as defendant and his family reside out of state. Compounded by  
2 the fact that Defendant speaks Cantonese Chinese and Vietnamese as his primary languages.  
3 Thus, meetings only happen when client and his family can travel to Las Vegas to meet with  
4 counsel.  
5

6 4. The additional time requested by this stipulation is excludable in computing the  
7 timewithin which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
8 U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors  
9 under Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).  
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11 For all of the above-stated reasons, the ends of justice would best be served by a  
12 continuance.  
13

#### 14 **CONCLUSIONS OF LAW**

15 The ends of justice served by granting said continuance outweigh the best interest of  
16 the public and the defendant in a speedy trial, since the failure to grant said continuance  
17 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient  
18 time and the opportunity within which to be able to effectively and thoroughly prepare for  
19 trial, taking into account the exercise of due diligence.  
20

21 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
22 U.S.C. § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors  
23 under Title 18, U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).  
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#### 25 **AMENDED** 26 **ORDER**

27 **IT IS HEREBY ORDERED** that each party shall have 90 days from the date of this  
28

1 Order to file all pretrial motions. Responses to any motions shall be filed within 14 days  
2 June 10, 2020 June 24, 2020  
3 from the date of service of the motions; and any replies may be filed within 7 days of service  
4 July 1, 2020  
5 of the responses.

6 **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions,  
7 proposed jury instructions, and a list of exhibits must be submitted to the Court by  
8 July 30, 2020.

9 IT IS FURTHER ORDERED that the calendar call currently scheduled for March 17,  
10 2020, be vacated and continued to August 4, 2020, at 1:30 PM and the trial  
11 currently scheduled for March 23, 2020, be vacated and continued to  
12 August 10, 2020, at 9:00 AM.

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15 Dated: March 20, 2020.

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19 RICHARD F. BOULWARE, II  
20 UNITED STATES DISTRICT JUDGE  
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